



CITY OF MEMPHIS

COUNCIL AGENDA

May 6, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 15, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** to amend Chapter 9, Code of Ordinances, City of Memphis, so as to amend Section 9-56-11, pertaining to an increase in the monthly fees charged for the collection and disposal of solid waste, up for F I R S T reading.

Halbert

Ordinance No. 5261

Director of Public Works and Director of Finance recommends approval

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** establishing the Fiscal Year 2009 Operating Budget for the City of Memphis, up for F I R S T reading.

Halbert

Ordinance No. 5262

values **ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2008 through June 30, 2009, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2009, up for F I R S T reading.

Halbert Ordinance No. 5263

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

4. **ORDINANCE** amending Chapter 5, Code of Ordinances, City of Memphis, to update and amend regulations regarding animals and fowls by adding sections 5-41 through 5-44 establishing an Animal Shelter Advisory Committee, for the purpose of advising the animal shelter on matters related to the humane operation of the animal shelter, up for S E C O N D reading.

Brown Ordinance No. 5260

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

5. **ORDINANCE** rezoning the west side of Getwell Road; +805 feet north of Crowfarn Drive, containing 2.26 acres in the Single Family Residential (R-S8) District, up for S E C O N D reading.

Lowery Ordinance No. 5259
Case No. Z 08-101

Applicant: John R. McCommon
SR Consulting, LLC – Cindy Reaves – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

6. RESOLUTION approving final plat of MADEWELL ROAD DEDICATION.
Case No. SD 07-701

Resolution approves the final plat located on Madewell Road, on the northside of Dellwood Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting COUNTRYSIDE ACRES SUBDIVISION SECTION A, RESUBDIVISION OF LOTS 1-6 and authorizing release of bond.
Case No. S 96-035
(Contract No. CR-4833)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Christine Road, south of Christine Circle. The standard improvement contract was approved on November 4, 2003. Resolution also authorizes the release of the performance bond in the amount of \$57,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting SHELBY WOODLANDS P.D., 2ND AMENDMENT, PHASE 7, PARCEL A, SEWER EXTENSION and authorizing release of bond.
Case No. PD 01-334cc
(Contract No. CR-4826)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Shelby Drive, west of Hacks Cross Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$61,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

9. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:
- A. Case No. PD 06-368 - Memphis Theological Seminary P.D.

Located on the southeast corner of Union Avenue and E. Parkway South, containing 6.49 acres in the Duplex Residential (R-D) District

Applicant: Memphis Theological Seminary
Nathan Bicks – Burch, Porter & Johnson, PLLC – Representative
Brenda Solomito – Solomito Land Planning - Representative

Request: Planned development to permit a college/university as an institutional campus with accessory facilities

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 08-305 – Winchester Center P.D., 2nd Amendment

Located on the southeast corner of Riverdale Bend Road and Riverdale Road, containing 19.726 acres in an area currently governed by the conditions of the Winchester Center Planned Development, Amended, Phase 2, Parcel 1 (P.D. 93-352cc), Plat Book 189, Page 49

Applicant: NPK Winchester, LLC
Ronald Harkavy – Representative

Request: A planned development amendment to permit warehousing, distribution, general office and call center as permitted uses within the outline plan

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 08-309cc – Big Creek Golf Course P.D.

Located on the east side of Big Creek Drainage Canal; south side of Woodstock Cuba Road, containing 303.88 acres in the Agricultural (AG) District

Applicant: Big Creek Golf, LLC

Request: Planned development to allow for a site plan review and development phases of an existing golf course and a new clubhouse and other accessory facilities

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 07-613 – Dudley Street Closure

Located on the south side of E. H. Crump; ±506.38 feet east of East Street, containing 1.3 acres in the Highway Commercial (C-H), Light Industrial (I-L), Heavy Industrial (I-H) and Hospital (H) Districts

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close & Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 07-615 - Georgia Avenue Alley Closure

Located on the southwest corner of Georgia Avenue and Florida Street, containing 4,269 square feet in the Bluffview Residential (R-B) District

Applicant: State Place, LLC

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 07-616 – Dunlap Alley Street Closure

Located ±127.03 feet west of Dunlap Street, containing 1,575 square feet in the Light Industrial (I-L) and Single Family Residential (R-S6) Districts

Applicant: FPC Realty
Charles Goforth – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. SAC 07-617 – Leath Street Closure

the Located ±225 feet south of Gene Logan Drive, containing 8,090 square feet in Light Industrial (I-L) and Single Family Residential (R-S6) Districts

Applicant: FPC Realty
Charles Goforth – Representative

Request: Close and vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

H. Case No. SAC 07-618 – Resources Drive Closure

Located on Resources Drive beginning on the east side of Sycamore View Road and the west side of Dovecrest Road, containing 17,130 square feet in the Single Family Residential (R-S8) District

Applicant: Kenneth Hunt
Michael Fahy – Prime Development Group, Inc. – Representative

Request: Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SUP 08-208

Located on the northeast side of Lamar Avenue (U.S. 78) at Dunn Avenue, containing 2.0 acres in the Highway Commercial (C-H) District

Applicant: Jatin Kumar
Architecture Interiors-Planning – Representative

Request: Special Use Permit to allow a new motel building

LUCB and OPD recommendation: APPROVAL, with conditions

J. Case No. SUP 08-209

Located on the south side of Vanuys Road; 203 feet east of Catalina Street, containing 1.73 acres in the Duplex Residential (R-D) District

Applicant: Tower Ventures V, LLC

Request: Cell Tower (130 ft. monopole with flush-mounted CMCS antennae)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 20, 2008



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MLGW FISCAL CONSENT

10. RESOLUTION approving Change No. 4 to Contract No. 10580, Service Agreement, with Motorola, Inc. in the funded amount of \$50,570.88. (This renews the contract for the period March 1, 2008 to February 28, 2009.)
11. RESOLUTION approving Change No. 7 to Contract No. 10857, LNG Property/Boiler and Machinery, with Hilb, Rogal & Hobbs in the funded amount of \$230,630.00. (This renews the policy for the period June 1, 2008 to May 31, 2009.)
12. RESOLUTION approving Change No. 7 to Contract No. 10858, All Risk Property Insurance, with Factory Mutual Insurance in the funded amount of \$767,503.00. (This renews the policy for the period June 1, 2008 to May 31, 2009.)
13. RESOLUTION approving Change No. 7 to Contract No. 10979, Network Maintenance, with Venture Technologies, in the funded amount of \$529,349.25. (This renews the contract for the fourth renewal term, July 1, 2008 to June 30, 2009.)
14. RESOLUTION approving Change No. 1 to Contract No. 11050, Tape Reporting Tool, with TeraCloud Corporation in the funded amount of \$35,796.00. (This changes the name from TeraCloud Corporation to Estorian, Inc. and renews annual maintenance for the period November 1, 2008 to October 31, 2010.)
15. RESOLUTION awarding contract for three-phase power system simulator and accessories to Doble Engineering in the amount of \$49,650.00.
16. RESOLUTION awarding contract for combustible gas indicators to Tri-State Meter and Regulator Service, Inc. in the amount of \$136,000.00.
17. RESOLUTION awarding contract for trucks, vans and sedans as follows:

Gossett Motor Cars.....	\$370,036.30
Crossroads Ford.....	379,444.40
Golden Circle Ford.....	<u>364,948.00</u>
Total:	\$1,114,428.70



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REGULAR AGENDA

GENERAL ORDINANCE– THIRD AND FINAL READING

18. **ORDINANCE** amending previous Ordinance 4388, Codified as City Code, Title 6, Chapter 6-92, Section 6-92-1. ET SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until September 23, 2008, up for T H I R D and F I N A L reading.

Collins

Ordinance No. 5258

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

19. **RESOLUTION** amending the FY 2008 Federal Operating Budget by appropriating \$309,379.52 in revenues derived from the Health, Educational and Housing Facility Board.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION

20. RESOLUTION approving the Energy Smart Memphis Initiative, an initiative by MLGW in conjunction with TVA to help low-income customers use less energy and water by providing education and weatherization and/or home improvements that supplement, not replace, the existing such programs.

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES

21. RESOLUTION appropriating \$756,000.00 funded by G.O. Bonds General for Locker Room Improvements at the Liberty Bowl, CIP Project Number PK10010.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

22. RESOLUTION to allow persons employed with the City's Division of Police Services, after the date of this resolution, to reside within twenty (20) miles of the county line of Shelby County, Tennessee.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

23. RESOLUTION appropriating \$516,258.00 funded by G.O. Bonds – General for Northridge, Project Number PW01180 for the widening of the street at New Frayser Boulevard.

Morrison

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation of \$99,452.00 funded by G.O. Bonds General (Storm Water) from Drainage – ST, Project Number ST03006 to Peabody Elementary School Detention, Project Number ST03100. Resolution also appropriates \$99,452.00 funded by G.O. Bonds – General (Storm Water) in Peabody Elementary School Detention, Project Number ST03100 for a construction contract with Ferrell Paving, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation of \$194,915.00 funded by G.O. Bonds from ADA Curb Ramp, Project Number PW04007 to ADA Curb Ramps Group 35, Project Number PW04063 to install handicap ramps. Resolution also appropriates \$194,915.00 funded by G.O. Bonds for ADA Curb Ramps Group 35, Project Number PW04063 for a construction contract with Encor, LLC to install handicap ramps.

Morrison

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION to apply for grant funds in the amount of \$678,000.00 from the Tennessee Department of Economic and Community Development for the Fast Track Infrastructure Development Program (FIDP) on behalf of Riviana Foods, Inc. Application for FIDP funds are being made for the design and construction of railroad tracks to support the new manufacturing and distribution facility of Riviana Foods in the Memphis Renewal Community.

Morrison

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

27. RESOLUTION approving a special use permit located on the northeast corner of Tchulahoma Road and Christine Road, containing 6.03 acres in the Single Family Residential (R-S8[AHZ]) District, with Airport Horizontal Zone Overlay.
Case No. SUP 08-210

Lowery

Applicant: Tower Ventures V, LLC

Request: Cell Tower (160 ft. monopole, with flush-mounted CMCS antennae)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

28. RESOLUTION approving a special use permit located on the west side of Crump Road, opposite the intersection of Runningbrook Circle, containing 8.02 acres in the Agricultural (AG) District.

Lowery

Case No. SUP 08-212

Applicant: Tower Ventures V, LLC

Request: Cell Tower (160 ft. monopole with flush-mounted CMCS

antennae)

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

29. RESOLUTION approving a special use permit located on the south side of Finley Road; 250-696 feet east of Elvis Presley Boulevard, containing 5.36 acres in the Local Commercial (C-L) and Single Family Residential (RS-10) Districts.

Lowery

Case No. UV 08-02

Applicant: Bernice Randolph

Request: Use Variation for a mixed use to include medical offices in addition to church use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

30. RESOLUTION approving a hotel waiver for the Budget Lodge located at 1533 Brooks Road.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

31. RESOLUTION approving a planned development located on the northeast corner of Stateline Road and Airways Boulevard, containing 48.181 acres in the Single Family Residential (R-S8) & Multiple Dwelling Residential (R-ML) Districts. (Held from 4/15)

Lowery

Case No. PD 07-332

Applicant: William H. Thomas, Jr.
Fisher & Arnold, Inc. – Jud TePaske – Representative

Request: Planned development to permit industrial warehouse uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

7 NOTICES MAILED ON APRIL 3, 2008

May 6, 2008

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32. RESOLUTION approving a planned development located on the northeast corner of N.

Watkins Street and N. Thomas Street (U.S. Hwy 51) containing 4.14 acres in the Local Commercial (C-L) District.

Lowery

Case No. PD 08-308

Applicant: Oakley Transport, Inc.
Fisher & Arnold, Inc./Burch-Porter-Johnson, PLLC -
Representative

for

Request: Planned development to allow a washing and sanitizing facility
tractor tanker trucks, including an expansion for four (4)
additional wash bays

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Thirty (30) Days

14 NOTICES MAILED ON APRIL 25, 2008

33. RESOLUTION approving a special use permit located on the southwest corner of East Parkway South and Walker Avenue, containing 0.55 acre in the Local Commercial (C-L) District. (Held from 4/1)

Lowery

Case No. SUP 08-203

Applicant: Edgar Flores
Andre Williams - Representative

Request: Auto Sales and Mechanic Shop

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

73 NOTICES MAILED ON MARCH 20, 2008

GENERAL ITEM

34. RESOLUTION approving an honorary street name change on Madison Avenue, between Rembert and Barksdale Streets in honor of Thomas Boggs.

Strickland

ACTION REQUESTED: Adopt the resolution

PRESENTATIONS AND RECOGNITION OF VISITORS

35. RESOLUTION thanking Kingsbury High School's Peace Jam Committee for efforts to promote peace. (Held from 4/15)

Fullilove

ACTION REQUESTED: Adopt the resolution

May 6, 2008

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36. RESOLUTION honoring Memphis in May International Festival 2008 and Turkey, the

country of honor.

Halbert

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 8 – Approved
9. A, C, D, E, F, G, H, I & J – Public Hearing Set for May 20, 2008
9. B – Public Hearing Held
10. Through 16 – Approved
17. Held until May 20, 2008
18. Through 20 – Approved
21. Approved, as amended
22. Held until May 20, 2008
23. Through 29 – Approved
30. & 31 – Failed
32. Held until July 1, 2008
33. Approved, as amended
34. Held until May 20, 2008
35. & 36 - Approved

ACTION TAKEN ON THE MINUTES OF APRIL 15, 2008 MEETING

Approved